

# IMPLEMENTING CHAPTER 369 OF THE ACTS OF 2012

*AN ACT FOR HUMANITARIAN MEDICAL USE OF  
MARIJUANA*

105 CMR 725.000

**Massachusetts Department of Public Health  
Legislative Briefing**

Wednesday, February 26, 2013

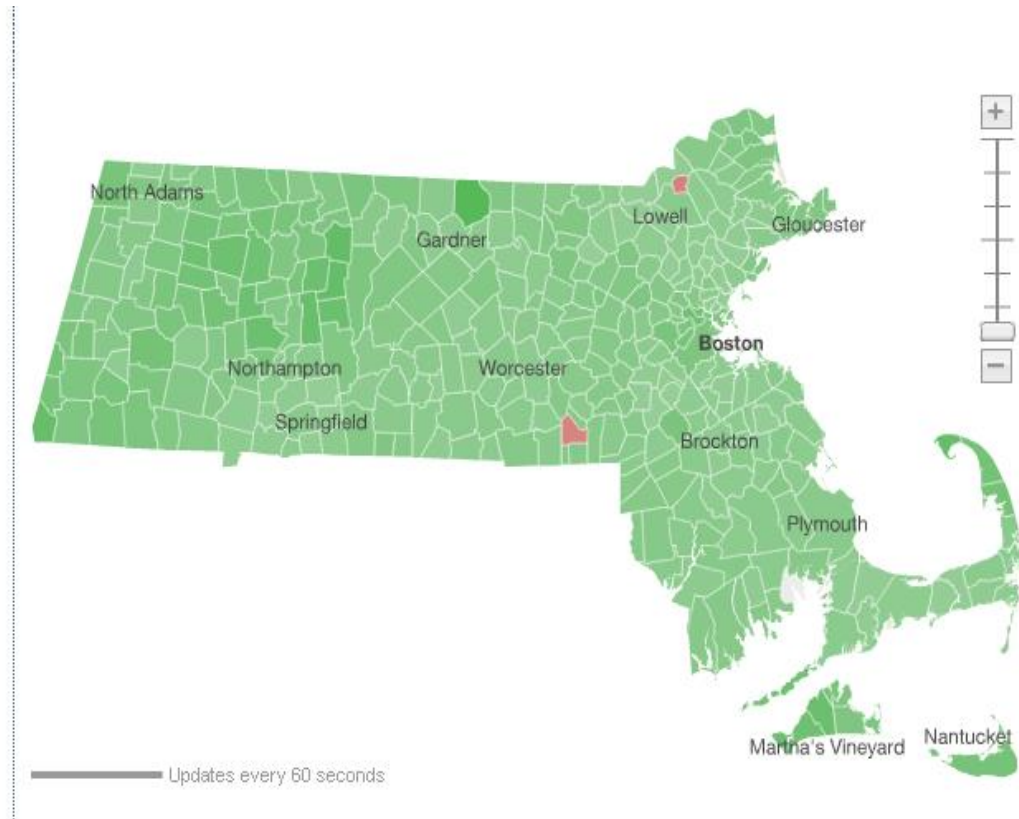


# Agenda

- ***History and Summary of Chapter 369***
- Public Engagement and Outreach
- Application Review, Verification and Provisional Certification
- Q&A

# History

- November 2012 voter initiative or Massachusetts Ballot Measure #3;
- Passed with 63% of the state-wide vote (or 1,895,340 votes);
  - Measure passed in 349 of 351 cities and towns
- Massachusetts became the 18th state in the nation in addition to the District of Columbia to approve the use of marijuana for medical purposes;
- Now Chapter 369 of the Acts of 2012 and became law on January 1, 2013.



# History

## *Summary of Law:*

- Allows qualifying patients with certain defined medical conditions or debilitating symptoms to obtain and use marijuana for medicinal use.
  - A patient must have obtained a written certification from a physician with whom the patient has a *bona fide* physician-patient relationship
- Allows a patient to possess *up to* a 60-day supply of marijuana for his or her personal use.
- Allows Registered Marijuana Dispensaries (RMDs) to cultivate, process and provide medical marijuana to patients and their personal caregivers.
  - A RMD must be a non-profit;
  - Apply for and receive a DPH registration;
  - Cultivate and store marijuana only in enclosed and locked facilities.

- A patient may designate a personal caregiver to assist the patient's use of medical marijuana.
  - Must be at least 21 years old;
  - Be registered as a caregiver with DPH;
  - Cannot consume supply of medical marijuana.
- Allows for “hardship cultivation” when patient meets at least one of three criteria:
  - Verified financial hardship;
  - Physical inability to access reasonable transportation;
  - A lack of a treatment center within a reasonable distance.
- “Dispensary agents”
  - Registered w/ DPH prior to working or volunteering;
  - Must be at least 21 years of age and no prior felony drug convictions.
- DPH may register up to 35 RMDs statewide
  - Minimum of one but no more than five RMDs per county

# History

## *Summary of Law (cont.)*

- Required revenue neutrality
- Fraudulent use of a registration card or cultivation registration is a crime punishable by up to six months in a house of correction.
- However, if the fraudulent use was for the sale, distribution or trafficking of marijuana for non-medical use for profit, it is a crime punishable by up to five years in state prison or by two and one-half years in a house of correction.

### **The law does not:**

1. Give immunity under federal law or obstruct federal enforcement of federal law;
2. Supersede Massachusetts laws prohibiting possession, cultivation, transport, distribution, or sale of marijuana for non-medical purposes;
3. Allow the operation of a motor vehicle, boat or aircraft while under the influence of marijuana;
4. Require any health insurer or government entity to reimburse any person for the expenses of the medical use of marijuana;
5. Require any health care professional to authorize the use of medical marijuana for a patient;
6. Require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center or correctional facility; or
7. Require any accommodation of smoking marijuana in any public place.

# Agenda

- History and Summary of Chapter 369
- ***Public Engagement and Outreach***
- Application Review, Verification and Provisional Certification
- Q&A

# Robust Public Engagement and Outreach

- **Stakeholder Meetings**  
(Winter/Spring 2013)
  - Dozens of conversations with patient advocates, industry experts, law enforcement, physicians, elected officials, municipal leaders, and more.
- **Six Public Meetings Across State** (Spring 2013)
  - Over 1,000 attendees and >80 testified in total
- **Open Comment Period**  
(June 2013)
  - 197 written comments from diverse array of stakeholders.
- **Public Comment Collection on Application Content**  
(Summer 2013)
- **Open Informational Meeting on Phase-2** (October 10, 2013)
- **State House Legislative Briefing** (December 4, 2013)
- **Public Website**  
([www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana))
- **Frequent E-Mail Updates**
- **Calls to all elected officials and municipal executive regarding provisional application decisions** (January 31, 2014)
- **Ongoing Municipal Conference Calls**
- **Ongoing outreach to officials as part of “Verification Phase”**

# Agenda

- History and Summary of Chapter 369
- Public Engagement and Outreach
- ***Application Review, Verification and Provisional Process***
- Q&A



# From Provisional to Final: A Rigorous Process

***Process has been robust and transparent and backed by regulations that have been called a model for the nation.***

## **1. Phase-1 Application (August 2013): Determining minimum suitability**

- Filing with Secretary of State
- Liquid capital

## **2. Phase-2 Application (November 2013): Robust, multi-layered review**

- \$30,000 non-refundable fee
- Liability insurance
- 150-300 page responses from applicants
- Signed under pains and penalties of perjury
- Subject matter expert review by independent firm
- Review by 7-member Selection Committee (4 independent expert appointments: local government/local health board, nonprofit, pharmacy, law enforcement )
- National background checks by independent investigative firm on all 600 individuals ID'd by applicants
- Consult with AGO
- 20 applicants in 10 counties selected to move forward to the Verification Phase

## **3. Provisional Announcement (January 31, 2014)**

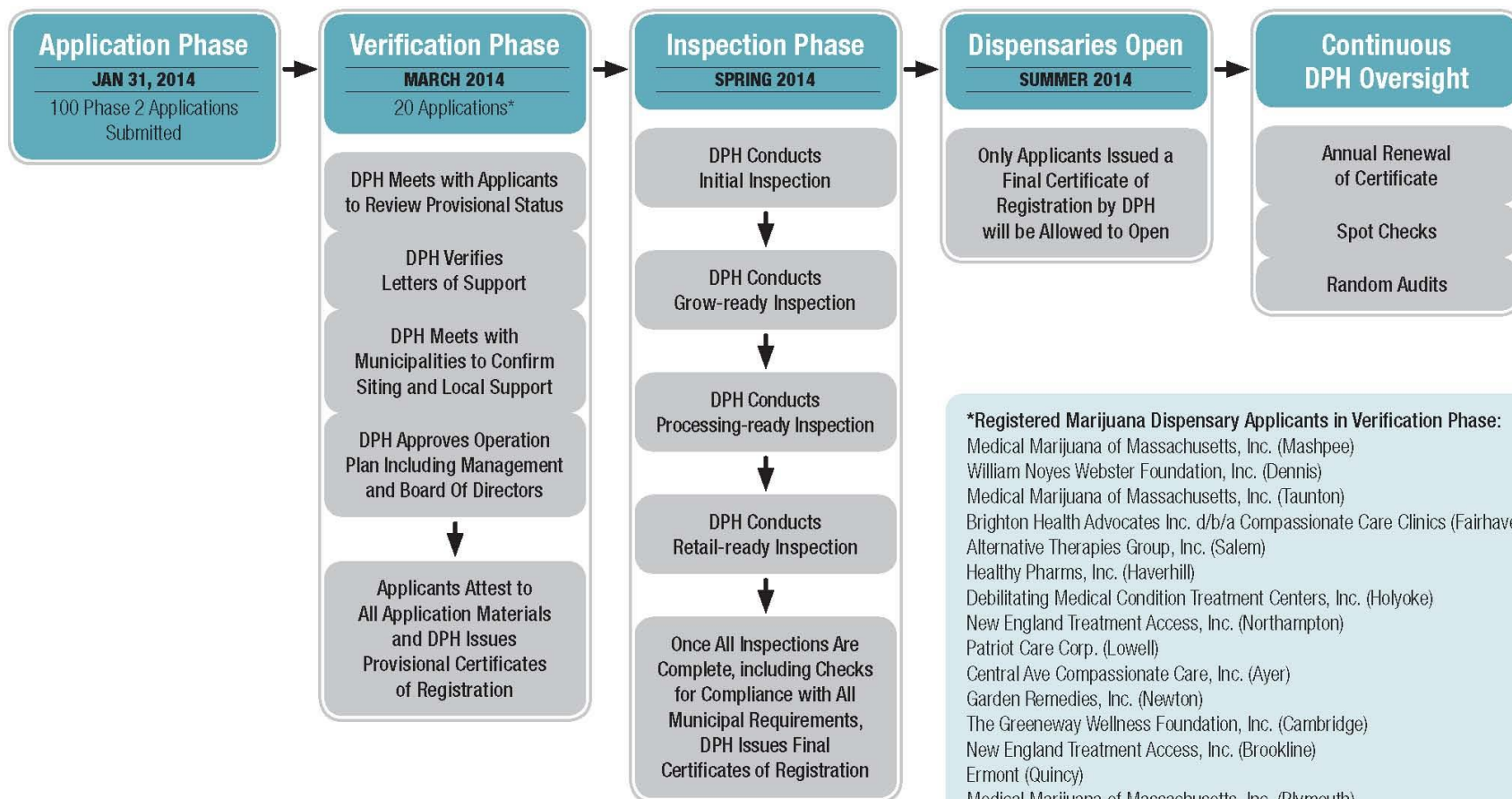
- 100 Phase 2 applications narrowed to 20 across 10 counties announced to move forward to the Verification Phase
- 8 “highly qualified” applicants recommended by Selection Committee for invitation to 4 remaining counties

## **4. Verification Phase (March 2014)**

- Verification, attestations, local municipal processes, inspections

# From Provisional to Final:

## A Rigorous Process for Registered Marijuana Dispensaries



### \*Registered Marijuana Dispensary Applicants in Verification Phase:

Medical Marijuana of Massachusetts, Inc. (Mashpee)  
 William Noyes Webster Foundation, Inc. (Dennis)  
 Medical Marijuana of Massachusetts, Inc. (Taunton)  
 Brighton Health Advocates Inc. d/b/a Compassionate Care Clinics (Fairhaven)  
 Alternative Therapies Group, Inc. (Salem)  
 Healthy Pharms, Inc. (Haverhill)  
 Debilitating Medical Condition Treatment Centers, Inc. (Holyoke)  
 New England Treatment Access, Inc. (Northampton)  
 Patriot Care Corp. (Lowell)  
 Central Ave Compassionate Care, Inc. (Ayer)  
 Garden Remedies, Inc. (Newton)  
 The Greenway Wellness Foundation, Inc. (Cambridge)  
 New England Treatment Access, Inc. (Brookline)  
 Ermont (Quincy)  
 Medical Marijuana of Massachusetts, Inc. (Plymouth)  
 In Good Health, Inc. (Brockton)  
 Good Chemistry of Massachusetts, Inc. (Boston)  
 Green Heart Holistic Health & Pharmaceuticals, Inc. (Boston)  
 Bay State Relief, Inc. (Milford)  
 Good Chemistry of Massachusetts, Inc. (Worcester)

# From Provisional to Final: A Rigorous Process

## ***Summary:***

- DPH is committed to getting this right.
- No one has final approval to operate a dispensary in Massachusetts.
  - We have narrowed the field from 100 Phase 2 applications, to 20 applications in this next phase and right now, we are in the middle of an intense screening process for those 20 applicants.
  - If someone has lied or misrepresented information on their applications, that applicant will not get a license. Applicants signed all applications under the pains and penalties of perjury.
  - There will certainly be disappointment among those not selected to move forward in the process, but we are not going to abandon the process because of that disappointment.
- Due process is afforded all applicants who are not selected at this time. That process has begun.

# From Provisional to Final: A Rigorous Process

## *Summary (cont.):*

- Provisional certificates for RMDs are NOT final
  - Probationary and conditional
  - Provide potential RMDs the authority applicants need to proceed with local engagement, local processes and verifying operations with DPH
  - Requires potential RMDs to demonstrate compliance with *all* municipal rules, regulations, ordinances, and bylaws
  - Must still undergo a rigorous series of DPH verifications, inspections and municipal approvals before they will be allowed to open
- Municipalities are a key partner
  - Focus on verification phase and local approval processes, engaging with local municipal executives
    - Frequent calls with local municipal executives and their teams
    - No RMD will open without local approvals
  - Municipal FAQ and guidance available at [www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana)
- This will be a transparent and robust process. The process is ongoing and DPH - in partnership with local communities - are still in the middle of the process

# ***Questions?***

*DPH is committed to getting this right. If you have questions, we are here to help.*

[www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana)

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# **Thank You**